

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-319-FL-1

UNITED STATES OF AMERICA,

v.

TRACIE JONES MATHIS,

Defendant

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ORDER

This matter is before the court on defendant's motion for reconsideration (DE 51), regarding the court's June 29, 2015 order (DE 48), and September 14, 2015, text order. Defendant asserts she has followed all administrative remedies that were appropriate for modifying restitution payments under the Inmate Financial Responsibility Program and has been reprimanded for taking such actions. She continues to seek relief from the court under 18 U.S.C. § 3664(k) to modify her restitution payments. However, as determined in the court's June 29, 2015, order, the court is without authority to modify Inmate Financial Responsibility Program restitution payments under § 3664(k). If defendant has exhausted administrative remedies, the proper avenue for defendant to challenge Bureau of Prisons execution of her sentence, including payment requirements under the Inmate Financial Responsibility Program, is through an appropriate motion under 28 U.S.C. § 2241 in the district of her confinement, the United States District Court for the Southern District of West Virginia. See In re Vial, 115 F.3d 1192, 1194 n.5 (4th Cir. 1997); United States v. Diggs, 578 F.3d 318, 319-20 (5th Cir. 2009). Accordingly, defendant's motion for reconsideration is DENIED.

SO ORDERED, this the 14th day of October, 2015.



LOUISE W. FLANAGAN